

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|  |                 |
|--|-----------------|
| ALLIED ERECTING AND DISMANTLING CO., ) |                 |
| Plaintiff, )                           |                 |
| vs )                                   | 2:16cv1379      |
| UNITED STATES STEEL CORPORATION, )     | Electronic Mail |
| Defendant. )                           |                 |

ORDER

AND NOW, this 31<sup>st</sup> day of October, 2017, after the plaintiff, Allied Erecting and Dismantling Co., filed an action in the above-captioned case, and after a partial motion to dismiss and motion for more definite statement was submitted by the defendant, United States Steel Corp., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the parties and the respective responses to those objections, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 66), which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's (ECF No. 40) is granted as to dismissal of the Complaint at Count III ¶ 34(6), the weather-delay aspect of Count III ¶ 34(13-14) and Count V ¶ 58(1-5), denied as to dismissal of the Complaint at Count III ¶ 34(1-5, 7-10, 12-14) (including all non-weather delay aspects of Count III ¶ 34(13-14)) and denied as to the request for a more definite statement.



David Stewart Cercone  
United States District Judge

cc: Honorable Robert C. Mitchell,  
United States Magistrate Judge  
Christopher R. Opalinski, Esquire  
F. Timothy Grieco, Esquire  
Audrey K. Kwak, Esquire  
Roy A. Powell, Esquire  
Michael R. Gladman, Esquire  
David Michael Belczyk, Esquire  
Brandy H. Ranjan, Esquire

*(Via CM/ECF Electronic Mail)*